



Squire Sanders (US) LLP
1200 19th Street, NW
Suite 300
Washington, D.C. 20036

O +1 202 626 6600
F +1 202 626 6780
squiresanders.com

Bruce A. Olcott
T +1 202 626 6615
bruce.olcott@squiresanders.com

April 8, 2013

BY ELECTRONIC DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington DC 20554

Re: Progeny LMS, LLC
Permitted Oral *Ex Parte* Presentation
WT Docket No. 11-49

Dear Ms. Dortch:

On April 4, 2013, Gary Parsons, CEO of Progeny LMS, LLC ("Progeny"), and the undersigned, met with Renee Gregory, Legal Advisor to Chairman Julius Genachowski. The parties discussed the substantial outpouring of interest that has been expressed by the public safety community in Progeny's location service following the release of indoor location accuracy tests that were conducted by Working Group 3 of the Commission's Communications Safety Reliability and Interoperability Council ("CSRIC"). Strong letters of support urging the Commission to promptly authorize Progeny to make its service available to support public safety have been filed with the Commission by:

NENA: The 9-1-1 Association
The International Association of Fire Fighters
The International Association of Fire Chiefs
The International Association of Police Chiefs
The National Sheriffs' Association
The San Francisco Department of Emergency Management
The Professional Firefighters of New Jersey
The Boulder Regional Emergency Telephone Service Authority

The parties also discussed the comprehensive spectrum sharing tests that have been conducted on Progeny's network, both by an independent third party and jointly with major

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manufacturers and users of Part 15 devices. The multiple rounds of spectrum sharing tests that have been conducted during the past 18 months, combined with Progeny's ongoing operations for more than three years in the San Francisco Bay Area and for much of the past year in 39 other major economic areas has more than adequately demonstrated that its location service can coexist in the 902-928 MHz band with other authorized spectrum users.

Progeny observed that major participants in the wireless communications industry, including wireless carriers, GPS chipset manufacturers, and handset manufacturers, have also noted Progeny's positive results in the CSRIC and Part 15 test processes. Several of these wireless industry leaders have expressed their intent to include Progeny's software in the specifications for their next generation of wireless devices, making Progeny's location service widely available to consumers.

These same wireless industry participants, however, have expressed the need for regulatory certainty regarding Progeny's ability to provide commercial service before they are willing to commit to Progeny's service and incorporate Progeny's technology into their upcoming chips and equipment specifications. These wireless industry leaders are likely to view any further delay in the authorization of Progeny to begin providing commercial service as an indication that unlicensed spectrum users can prevent the enforcement of longstanding rules requiring the sharing of the 902-928 MHz band with primary licensees.

Progeny has expended substantial sums in constructing its network in the 40 largest economic areas of the country, and the continued ongoing operation of these networks on a national basis without the ability to serve customers represents a significant economic drain on the company and denies a major public safety benefit to the public. The potential inability for Progeny to commercialize its indoor location service would be a tremendous detriment to public safety.

As emergency first responders have clearly indicated, Progeny's indoor location service is critically needed to facilitate the prompt location of wireless callers to E911 emergency services. Progeny's service can also be used to locate downed emergency first responders in dangerous environments such as large burning buildings. The Commission itself has said that it considers "indoor location accuracy to be a significant public safety concern that requires development of indoor technical solutions and testing methodologies to verify the effectiveness of such solutions."¹

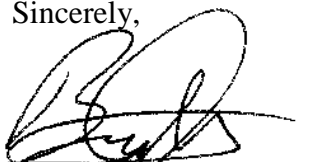
Taking into account the technical merits of the test results, the significant public interest benefits of Progeny's service, and the express desire of major participants in the wireless industry to move forward quickly with the implementation of Progeny's life-critical location

¹ Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules, GN Docket No. 11-117, Wireless E911 Location Accuracy Requirements, PS Docket No. 07-114, E911 Requirements for IP-Enabled Service Providers, *Notice of Proposed Rulemaking, Third Report and Order, and Second Further Notice of Proposed Rulemaking*, FCC 11-107, ¶ 86 (Jul 13, 2011).

service, the Commission is more than justified in concluding that the public interest would be well served by immediately authorizing Progeny to launch its highly accurate location service on a commercial basis so that consumers and the public safety community can begin to enjoy its potential lifesaving benefits.

Thank you for your attention to this matter. Please contact the undersigned if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce A. Olcott', written over a horizontal line.

Bruce A. Olcott
Counsel to Progeny LMS, LLC